

## CHAPTER XXVII OF CRIMES, EXCUSES, AND EXTENUATIONS

A sin is not only a transgression of a law, but also any contempt of the legislator. For such contempt is a breach of all his laws at once, and therefore may consist, not only in the commission of a fact, or in the speaking of words by the laws forbidden, or in the omission of what the law commandeth, but also in the intention or purpose to transgress. For the purpose to break the law is some degree of contempt of him to whom it belonged to see it executed. To be delighted in the imagination only of being possessed of another man's goods, servants, or wife, without any intention to take them from him by force or fraud, is no breach of the law, that saith, "Thou shalt not covet": nor is the pleasure a man may have in imagining or dreaming of the death of him from whose life he expecteth nothing but damage and displeasure, a sin; but the resolving to put some act in execution that tendeth thereto. For to be pleased in the fiction of that which would please a man if it were real is a passion so adherent to the nature both of man and every other living creature, as to make it a sin were to make sin of being a man. Th consideration of this has made me think them too severe, both to themselves and others, that maintain that the first motions of the mind, though checked with the fear of God, be sins. But I confess it is safer to err on that hand than on the other.

A crime is a sin consisting in the committing by deed or word of that which the law forbiddeth, or the omission of what it hath commanded. So that every crime is a sin; but not every sin a crime. To intend to steal or kill is a sin, though it never appear in word or fact: for God that seeth the thought of man can lay it to his charge: but till it appear by something done, or said, by which the intention may be argued by a human judge, it hath not the name of crime: which distinction the Greeks observed in the word *amartema* and *egklema* or *aitia*; whereof the former (which is translated sin) signifieth any swerving from the law whatsoever; but the two latter (which are translated crime) signify that sin only whereof one man may accuse another. But of intentions, which never appear by any outward act, there is no place for human accusation. In like manner the Latins by *peccatum*, which is sin, signify all manner of deviation from the law; but by *crimen* (which word they derive from *cerno*, which signifies to perceive) they mean only such sins as may be made appear before a judge, and therefore are not mere intentions.

From this relation of sin to the law, and of crime to the civil law, may be inferred, first, that where law ceaseth, sin ceaseth. But because the law of nature is eternal, violation of covenants, ingratitude, arrogance, and all facts contrary to any moral virtue can never cease to be sin. Secondly, that the civil law ceasing, crimes cease: for there being no other law remaining but that of nature, there is no place for accusation; every man being his own judge, and accused only by his own conscience, and cleared by the uprightness of his own intention. When therefore his intention is right, his fact is no sin; if otherwise, his fact is sin, but not crime. Thirdly, that when the sovereign power ceaseth, crime also ceaseth: for where there is no such power, there is no protection to be had from the law; and therefore every one may protect himself by his own power: for no man in the institution of sovereign power can be supposed to give away the right of preserving his own body, for the safety whereof all sovereignty was ordained. But this is to be understood only of those that have not themselves contributed to the taking away of the power that protected them: for that was a crime from the beginning.

The source of every crime is some defect of the understanding, or some error in reasoning, or some sudden force of the passions. Defect in the understanding is ignorance; in reasoning, erroneous opinion. Again, ignorance is of three sorts; of the law, and of the sovereign, and of the penalty. Ignorance of the law of nature excuseth no man, because every man that hath attained to the use of reason is supposed to know he ought not to do to another what he would not have done to himself. Therefore into what place soever a man shall come, if he do anything contrary to that law, it is a crime. If a man come from the Indies hither, and persuade men here to receive a new religion, or teach them anything that tendeth to disobedience of the laws of this country, though he be never so well persuaded of the truth of what he teacheth, he commits a crime, and may be justly punished for the same, not only because his doctrine is false, but also because he does that which he would not approve in another; namely, that coming from hence, he should endeavour to alter the religion there. But ignorance of the civil law shall excuse a man in a strange country till it be declared to him, because till then no civil law is binding.

In the like manner, if the civil law of a man's own country be not so sufficiently declared as he may know it if he will; nor the action against the law of nature; the ignorance is a good excuse: in other cases ignorance of the civil law excuseth not.

Ignorance of the sovereign power the place of a man's ordinary residence excuseth him not, because he ought to take notice of the power by which he hath been protected there.

Ignorance of the penalty, where the law is declared, excuseth no man: for in breaking the law, which without a fear of penalty to follow were not a law, but vain words, he undergoeth the penalty, though he know not what it is; because whosoever voluntarily doth any action, accepteth all the known consequences of it; but punishment is a known consequence of the violation of the laws in every Commonwealth; which punishment, if it be determined already by the law, he is subject to that; if not, then is he subject to arbitrary punishment. For it is reason that he which does injury, without other limitation than that of his own will, should suffer punishment without other limitation than that of his will whose law is thereby violated.

But when a penalty is either annexed to the crime in the law itself, or hath been usually inflicted in the like cases, there the delinquent is excused from a greater penalty. For the punishment foreknown, if not great enough to deter men from the action, is an invitement to it: because when men compare the benefit of their injustice with the harm of their punishment, by necessity of nature they choose that which appeareth best for themselves: and therefore when they are punished more than the law had formerly determined, or more than others were punished for the same crime, it is the law that tempted and deceiveth them.

No law made after a fact done can make it a crime: because if the fact be against the law of nature, the law was before the fact; and a positive law cannot be taken notice of before it be made, and therefore cannot be obligatory. But when the law that forbiddeth a fact is made before the fact be done, yet he that doth the fact is liable to the penalty ordained after, in case no lesser penalty were made known before, neither by writing nor by example, for the reason immediately before alleged.

From defect in reasoning (that is to say, from error), men are prone to violate the laws three ways. First, by presumption of false principles: as when men, from having observed how in all places and in all ages unjust actions have been authorised by the force and victories of those who have committed them; and that, potent men breaking through the cobweb laws of their country, the weaker sort and those that have failed in their enterprises have been esteemed the only criminals; have thereupon taken for principles and grounds of their reasoning that justice is but a vain word: that whatsoever a man can get by his own industry and hazard is his own: that the practice of all nations cannot be unjust: that examples of former times are good arguments of doing the like again; and many more of that kind: which being granted, no act in itself can be a crime, but must be made so, not by the law, but by the success of them that commit it; and the same fact be virtuous or vicious fortune pleaseth; so that what Marius makes a crime, Sylla shall make meritorious, and Caesar (the same laws standing) turn again into a crime, to the perpetual disturbance of the peace of the Commonwealth.

Secondly, by false teachers that either misinterpret the law of nature, making it thereby repugnant to the law civil, or by teaching for laws such doctrines of their own, or traditions of former times, as are inconsistent with the duty of a subject.

Thirdly, by erroneous inferences from true principles; which happens commonly to men that are hasty and precipitate in concluding and resolving what to do; such as are they that have both a great opinion of their own understanding and believe that things of this nature require not time and study, but only common experience and a good natural wit, whereof no man thinks himself unprovided: whereas the knowledge of right and wrong, which is no less difficult, there is no man will pretend to without great and long study. And of those defects in reasoning, there is none that can excuse, though some of them may extenuate, a crime in any man that pretendeth to the administration of his own private business; much less in them that undertake a public charge, because they pretend to the reason upon the want whereof they would ground their excuse.

Of the passions that most frequently are the causes of crime, one is vainglory, or a foolish overrating of their own worth; as if difference of worth were an effect of their wit, or riches, or blood, or some other natural quality, not depending on the will of those that have the sovereign authority. From whence proceedeth a presumption that the punishments ordained by the laws, and extended generally to all subjects, ought not to be inflicted on them with the same rigor they are inflicted on poor, obscure, and simple men, comprehended under the name of the vulgar.

Therefore it happeneth commonly that such as value themselves by the greatness of their wealth adventure on crimes, upon hope of escaping punishment by corrupting public justice, or obtaining pardon by money or other rewards.

And that such as have multitude of potent kindred, and popular men that have gained reputation amongst the multitude, take courage to violate the laws from a hope of oppressing the power to whom it belonged to put them in execution.

And that such as have a great and false opinion of their own wisdom take upon them to reprehend the actions and call in question the authority of them that govern, and so to

unsettle the laws with their public discourse, as that nothing shall be a crime but what their own designs require should be so. It happeneth also to the same men to be prone to all such crimes as consist in craft, and in deceiving of their neighbours; because they think their designs are too subtle to be perceived. These I say are effects of a false presumption of their own wisdom. For of them that are the first movers in the disturbance of Commonwealth (which can never happen without a civil war), very few are left alive long enough to see their new designs established: so that the benefit of their crimes redoundeth to posterity and such as would least have wished it: which argues they were not so wise as they thought they were. And those that deceive upon hope of not being observed do commonly deceive themselves, the darkness in which they believe they lie hidden being nothing else but their own blindness, and are no wiser than children that think all hid by hiding their own eyes.

And generally all vainglorious men, unless they be withal timorous, are subject to anger; as being more prone than others to interpret for contempt the ordinary liberty of conversation: and there are few crimes that may not be produced by anger.

As for the passions, of hate, lust, ambition, and covetousness, what crimes they are apt to produce is so obvious to every man's experience and understanding as there needeth nothing to be said of them, saving that they are infirmities, so annexed to the nature, both of man and all other living creatures, as that their effects cannot be hindered but by extraordinary use of reason, or a constant severity in punishing them. For in those things men hate, they find a continual and unavoidable molestation; whereby either a man's patience must be everlasting, or he must be eased by removing the power of that which molesteth him: the former is difficult; the latter is many times impossible without some violation of the law. Ambition and covetousness are passions also that are perpetually incumbent and pressing; whereas reason is not perpetually present to resist them: and therefore whensoever the hope of impunity appears, their effects proceed. And for lust, what it wants in the lasting, it hath in the vehemence, which sufficeth to weigh down the apprehension of all easy or uncertain punishments.

Of all passions, that which inclineth men least to break the laws is fear. Nay, excepting some generous natures, it is the only thing (when there is appearance of profit or pleasure by breaking the laws) that makes men keep them. And yet in many cases a crime may be committed through fear.

For not every fear justifies the action it produceth, but the fear only of corporeal hurt, which we call bodily fear, and from which a man cannot see how to be delivered but by the action. A man is assaulted, fears present death, from which he sees not how to escape but by wounding him that assaulteth him; if he wound him to death, this is no crime, because no man is supposed, at the making of a Commonwealth to have abandoned the defence of his life or limbs, where the law cannot arrive time enough to his assistance. But to kill a man because from his actions or his threatenings I may argue he will kill me when he can (seeing I have time and means to demand protection from the sovereign power) is a crime. Again, a man receives words of disgrace, or some little injuries, for which they that made the laws had assigned no punishment, nor thought it worthy of a man that hath the use of reason to take notice of, and is afraid unless he revenge it he shall fall into contempt, and consequently be obnoxious to the like injuries from others; and to avoid this, breaks the

law, and protects himself for the future by the terror of his private revenge. This is a crime: for the hurt is not corporeal, but fantastical, and (though, in this corner of the world, made sensible by a custom not many years since begun, amongst young and vain men) so light as a gallant man, and one that is assured of his own courage, cannot take notice of. Also a man may stand in fear of spirits, either through his own superstition or through too much credit given to other men that tell him of strange dreams and visions; and thereby be made believe they will hurt him for doing or omitting diverse things which, nevertheless, to do or omit is contrary to the laws; and that which is so done, or omitted, is not to be excused by this fear, but is a crime. For, as I have shown before in the second Chapter, dreams be naturally but the fancies remaining in sleep, after the impressions our senses had formerly received waking; and, when men are by any accident unassured they have slept, seem to be real visions; and therefore he that presumes to break the law upon his own or another's dream or pretended vision, or upon other fancy of the power of invisible spirits than is permitted by the Commonwealth, leaveth the law of nature, which is a certain offence, and followeth the imagery of his own or another private man's brain, which he can never know whether it signifieth anything or nothing, nor whether he that tells his dream say true or lie; which if every private man should have leave to do (as they must, by the law of nature, if any one have it), there could no law be made to hold, and so all Commonwealth would be dissolved.

From these different sources of crimes, it appears already that all crimes are not, as the Stoics of old time maintained, of the same alloy. There is place, not only for excuse, by which that which seemed a crime is proved to be none at all; but also for extenuation, by which the crime, that seemed great, is made less. For though all crimes do equally deserve the name of injustice, as all deviation from a straight line is equally crookedness, which the Stoics rightly observed; yet it does not follow that all crimes are equally unjust, no more than that all crooked lines are equally crooked; which the Stoics, not observing, held it as great a crime to kill a hen, against the law, as to kill one's father.

That which totally excuseth a fact, and takes away from it the nature of a crime, can be none but that which, at the same time, taketh away the obligation of the law. For the fact committed once against the law, if he that committed it be obliged to the law, can be no other than a crime.

The want of means to know the law totally excuseth: for the law whereof a man has no means to inform himself is not obligatory. But the want of diligence to enquire shall not be considered as a want of means; nor shall any man that pretendeth to reason enough for the government of his own affairs be supposed to want means to know the laws of nature; because they are known by the reason he pretends to: only children and madmen are excused from offences against the law natural.

Where a man is captive, or in the power of the enemy (and he is then in the power of the enemy when his person, or his means of living, is so), if it be without his own fault, the obligation of the law ceaseth; because he must obey the enemy, or die, and consequently such obedience is no crime: for no man is obliged (when the protection of the law faileth) not to protect himself by the best means he can.

If a man by the terror of present death be compelled to do a fact against the law, he is totally excused; because no law can oblige a man to abandon his own preservation. And supposing such a law were obligatory, yet a man would reason thus: "If I do it not, I die presently; if I do it, I die afterwards; therefore by doing it, there is time of life gained." Nature therefore compels him to the fact.

When a man is destitute of food or other thing necessary for his life, and cannot preserve himself any other way but by some fact against the law; as if in a great famine he take the food by force, or stealth, which he cannot obtain for money, nor charity; or in defence of his life, snatch away another man's sword; he is totally excused for the reason next before alleged.

Again, facts done against the law, by the authority of another, are by that authority excused against the author, because no man ought to accuse his own fact in another that is but his instrument: but it is not excused against a third person thereby injured, because in the violation of the law both the author and actor are criminals. From hence it followeth that when that man or assembly that hath the sovereign power commandeth a man to do that which is contrary to a former law, the doing of it is totally excused: for he ought not to condemn it himself, because he is the author; and what cannot justly be condemned by the sovereign cannot justly be punished by any other. Besides, when the sovereign commandeth anything to be done against his own former law, the command, as to that particular fact, is an abrogation of the law.

If that man or assembly that hath the sovereign power disclaim any right essential to the sovereignty, whereby there accrue to the subject any liberty inconsistent with the sovereign power; that is to say, with the very being of a Commonwealth; if the subject shall refuse to obey the command in anything, contrary to the liberty granted, this is nevertheless a sin, and contrary to the duty of the subject: for he to take notice of what is inconsistent with the sovereignty, because it was erected by his own consent and for his own defence, and that such liberty as is inconsistent with it was granted through ignorance of the evil consequence thereof. But if he not only disobey, but also resist a public minister in the execution of it, then it is a crime, because he might have been righted, without any breach of the peace, upon complaint.

The degrees of crime are taken on diverse scales, and measured, first, by the malignity of the source, or cause: secondly, by the contagion of the example: thirdly, by the mischief of the effect: and fourthly, by the concurrence of times, places, and persons.

The same fact done against the law, if it proceed from presumption of strength, riches, or friends to resist those that are to execute the law, is a greater crime than if it proceed from hope of not being discovered, or of escape by flight: for presumption of impunity by force is a root from whence springeth, at all times, and upon all temptations, a contempt of all laws; whereas in the latter case the apprehension of danger that makes a man fly renders him more obedient for the future. A crime which know to be so is greater than the same crime proceeding from a false persuasion that it is lawful: for he that committeth it against his own conscience presumeth on his force, or other power, which encourages him to commit the same again, but he that doth it by error, after the error shown him, is conformable to the law.

He whose error proceeds from the authority of a teacher, or an interpreter of the law publicly authorised, is not so faulty as he whose error proceedeth from a peremptory pursuit of his own principles and reasoning: for what is taught by one that teacheth by public authority, the Commonwealth teacheth, and hath a resemblance of law, till the same authority controlleth it; and in all crimes that contain not in them a denial of the sovereign power, nor are against an evident law, excuseth totally; whereas he that groundeth his actions on his private judgement ought, according to the rectitude or error thereof, to stand or fall.

The same fact, if it have been constantly punished in other men, is a greater crime than if there have been many precedent examples of impunity. For those examples are so many hopes of impunity, given by the sovereign himself: and because he which furnishes a man with such a hope and presumption of mercy, as encourageth him to offend, hath his part in the offence, he cannot reasonably charge the offender with the whole.

A crime arising from a sudden passion is not so great as when the same ariseth from long meditation: for in the former case there is a place for extenuation in the common infirmity of human nature; but he that doth it with premeditation has used circumspection, and cast his eye on the law, on the punishment, and on the consequence thereof to human society; all which in committing the crime he hath contemned and postponed to his own appetite. But there is no suddenness of passion sufficient for a total excuse: for all the time between the first knowing of the law, and the commission of the fact, shall be taken for a time of deliberation, because he ought, by meditation of the law, to rectify the irregularity of his passions.

Where the law is publicly, and with assiduity, before all the people read and interpreted, a fact done against it is a greater crime than where men are left without such instruction to enquire of it with difficulty, uncertainty, and interruption of their callings, and be informed by private men: for in this case, part of the fault is discharged upon common infirmity; but in the former there is apparent negligence, which is not without some contempt of the sovereign power.

Those facts which the law expressly condemneth, but the lawmaker by other manifest signs of his will tacitly approveth, are less crimes than the same facts condemned both by the law and lawmaker. For seeing the will of the lawmaker is a law, there appear in this case two contradictory laws; which would totally excuse, if men were bound to take notice of the sovereigns approbation, by other arguments than are expressed by his command. But because there are punishments consequent, not only to the transgression of his law, but also to the observing of it he is in part a cause of the transgression, and therefore cannot reasonably impute the whole crime to the delinquent. For example, the law condemneth duels; the punishment is made capital: on the contrary part, he that refuseth duel is subject to contempt and scorn, without remedy; and sometimes by the sovereign himself thought unworthy to have any charge or preferment in war: if thereupon he accept duel, considering all men lawfully endeavour to obtain the good opinion of them that have the sovereign power, he ought not in reason to be rigorously punished, seeing part of the fault may be discharged on the punisher: which I say, not as wishing liberty of private revenges, or any other kind of disobedience, but a care in governors not to countenance anything obliquely which directly they forbid. The examples of princes, to those that see them, are, and ever

have been, more potent to govern their actions than the laws themselves. And though it be our duty to do, not what they do, but what they say; yet will that duty never be performed till it please God to give men an extraordinary and supernatural grace to follow that precept.

Again, if we compare crimes by the mischief of their effects; first, the same fact when it redounds to the damage of many is greater than when it redounds to the hurt of few. And therefore when a fact hurteth, not only in the present, but also by example in the future, it is a greater crime than if it hurt only in the present: for the former is a fertile crime, and multiplies to the hurt of many; the latter is barren. To maintain doctrines contrary to the religion established in the Commonwealth is a greater fault in an authorised preacher than in a private person: so also is it to live profanely, incontinently, or do any irreligious act whatsoever. Likewise in a professor of the law, to maintain any point, or do any act, that tendeth to the weakening of the sovereign power is a greater crime than in another man: also in a man that hath such reputation for wisdom as that his counsels are followed, or his actions imitated by many, his fact against the law is a greater crime than the same fact in another: for such men not only commit crime, but teach it for law to all other men. And generally all crimes are the greater by the scandal they give; that is to say, by becoming stumbling-blocks to the weak, that look not so much upon the way they go in, as upon the light that other men carry before them.

Also facts of hostility against the present state of the Commonwealth are greater crimes than the same acts done to private men: for the damage extends itself to all: such are the betraying of the strengths or revealing of the secrets of the Commonwealth to an enemy; also all attempts upon the representative of the Commonwealth, be it a monarch or an assembly; and all endeavours by word or deed to diminish the authority of the same, either in the present time or in succession: which crimes the Latins understand by *crimina laesae majestatis*, and consist in design, or act, contrary to a fundamental law.

Likewise those crimes which render judgements of no effect are greater crimes than injuries done to one or a few persons; as to receive money to give false judgement or testimony is a greater crime than otherwise to deceive a man of the like or a greater sum; because not only he has wrong, that falls by such judgements, but all judgements are rendered useless, and occasion ministered to force and private revenges.

Also robbery and depeculation of the public treasury or revenues is a greater crime than the robbing or defrauding of a private man, because to rob the public is to rob many at once; also the counterfeit usurpation of public ministry, the counterfeiting of public seals, or public coin, than counterfeiting of a private man's person or his seal, because the fraud thereof extendeth to the damage of many.

Of facts against the law done to private men, the greater crime is that where the damage, in the common opinion of men, is most sensible. And therefore:

To kill against the law is a greater crime than any other injury, life preserved.

And to kill with torment, greater than simply to kill.



And mutilation of a limb, greater than the spoiling a man of his goods.

And the spoiling a man of his goods by terror of death or wounds, than by clandestine surreption.

And by clandestine surreption, than by consent fraudulently obtained.

And the violation of chastity by force, greater than by flattery.

And of a woman married, than of a woman not married.

For all these things are commonly so valued; though some men are more, and some less, sensible of the same offence. But the law regardeth not the particular, but the general inclination of mankind.

And therefore the offence men take from contumely, in words or gesture, when they produce no other harm than the present grief of him that is reproached, hath been neglected in the laws of the Greeks, Romans, and other both ancient and modern Commonwealths; supposing the true cause of such grief to consist, not in the contumely (which takes no hold upon men conscious of their own virtue), but in the pusillanimity of him that is offended by it.

Also a crime against a private man is much aggravated by the person, time, and place. For to kill one's parent is a greater crime than to kill another: for the parent ought to have the honour of a sovereign (though he have surrendered his power to the civil law), because he had it originally by nature. And to rob a poor man is a greater crime than to rob a rich man, because it is to the poor a more sensible damage.

And a crime committed in the time or place appointed for devotion is greater than if committed at another time or place: for it proceeds from a greater contempt of the law.

Many other cases of aggravation and extenuation might be added; but by these I have set down, it is obvious to every man to take the altitude of any other crime proposed.

Lastly, because in almost all crimes there is an injury done, not only to some private men, but also to the Commonwealth, the same crime, when the accusation is in the name of the Commonwealth, is called public crime; and when in the name of a private man, a private crime; and the pleas according thereupon called public, *judicia publica*, pleas of the crown; or private pleas. As in an accusation of murder, if the accuser be a private man, the plea is a private plea; if the accuser be the sovereign, the plea is a public plea.

## **CHAPTER XXVIII OF PUNISHMENTS AND REWARDS**

A punishment is an evil inflicted by public authority on him that hath done or omitted that which is judged by the same authority to be a transgression of the law, to the end that the will of men may thereby the better be disposed to obedience.

Before I infer anything from this definition, there is a question to be answered of much importance; which is, by what door the right or authority of punishing, in any case, came in. For by that which has been said before, no man is supposed bound by covenant not to resist violence; and consequently it cannot be intended that he gave any right to another to lay violent hands upon his person. In the making of a Commonwealth every man giveth away the right of defending another, but not of defending himself. Also he obligeth himself to assist him that hath the sovereignty in the punishing of another, but of himself not. But to covenant to assist the sovereign in doing hurt to another, unless he that so covenanteth have a right to do it himself, is not to give him a right to punish. It is manifest therefore that the right which the Commonwealth (that is, he or they that represent it) hath to punish is not grounded on any concession or gift of the subjects. But I have also shown formerly that before the institution of Commonwealth, every man had a right to everything, and to do whatsoever he thought necessary to his own preservation; subduing, hurting, or killing any man in order thereunto. And this is the foundation of that right of punishing which is exercised in every Commonwealth. For the subjects did not give the sovereign that right; but only, in laying down theirs, strengthened him to use his own as he should think fit for the preservation of them all: so that it was not given, but left to him, and to him only; and, excepting the limits set him by natural law, as entire as in the condition of mere nature, and of war of every one against his neighbour.

From the definition of punishment, I infer, first, that neither private revenges nor injuries of private men can properly be styled punishment, because they proceed not from public authority.

Secondly, that to be neglected and unpreferred by the public favour is not a punishment, because no new evil is thereby on any man inflicted; he is only left in the estate he was in before.

Thirdly, that the evil inflicted by public authority, without precedent public condemnation, is not to be styled by the name of punishment, but of a hostile act, because the fact for which a man is punished ought first to be judged by public authority to be a transgression of the law.

Fourthly, that the evil inflicted by usurped power, and judges without authority from the sovereign, is not punishment, but an act of hostility, because the acts of power usurped have not for author the person condemned, and therefore are not acts of public authority.

Fifthly, that all evil which is inflicted without intention or possibility of disposing the delinquent or, by his example, other men to obey the laws is not punishment, but an act of hostility, because without such an end no hurt done is contained under that name.

Sixthly, whereas to certain actions there be annexed by nature diverse hurtful consequences; as when a man in assaulting another is himself slain or wounded; or when he falleth into sickness by the doing of some unlawful act; such hurt, though in respect of God, who is the author of nature, it may be said to be inflicted, and therefore a punishment divine; yet it is not contained in the name of punishment in respect of men, because it is not inflicted by the authority of man.

Seventhly, if the harm inflicted be less than the benefit of contentment that naturally followeth the crime committed, that harm is not within the definition and is rather the price or redemption than the punishment of a crime: because it is of the nature of punishment to have for end the disposing of men to obey the law; which end (if it be less than the benefit of the transgression) it attaineth not, but worketh a contrary effect.

Eighthly, if a punishment be determined and prescribed in the law itself, and after the crime committed there be a greater punishment inflicted, the excess is not punishment, but an act of hostility. For seeing the aim of punishment is not a revenge, but terror; and the terror of a great punishment unknown is taken away by the declaration of a less, the unexpected addition is no part of the punishment. But where there is no punishment at all determined by the law, there whatsoever is inflicted hath the nature of punishment. For he that goes about the violation of a law, wherein no penalty is determined, expecteth an indeterminate, that is to say, an arbitrary punishment.

Ninthly, harm inflicted for a fact done before there was a law that forbade it is not punishment, but an act of hostility: for before the law, there is no transgression of the law: but punishment supposeth a fact judged to have been a transgression of the law; therefore harm inflicted before the law made is not punishment, but an act of hostility.

Tenthly, hurt inflicted on the representative of the Commonwealth is not punishment, but an act of hostility: because it is of the nature of punishment to be inflicted by public authority, which is the authority only of the representative itself.

Lastly, harm inflicted upon one that is a declared enemy falls not under the name of punishment: because seeing they were either never subject to the law, and therefore cannot transgress it; or having been subject to it, and professing to be no longer so, by consequence deny they can transgress it, all the harms that can be done them must be taken as acts of hostility. But in declared hostility all infliction of evil is lawful. From whence it followeth that if a subject shall by fact or word wittingly and deliberately deny the authority of the representative of the Commonwealth (whatsoever penalty hath been formerly ordained for treason), he may lawfully be made to suffer whatsoever the representative will: for in denying subjection, he denies such punishment as by the law hath been ordained, and therefore suffers as an enemy of the Commonwealth; that is, according to the will of the representative. For the punishments set down in the law are to subjects, not to enemies; such as are they that, having been by their own act subjects, deliberately revolting, deny the sovereign power.

The first and most general distribution of punishments is into divine and human. Of the former I shall have occasion to speak in a more convenient place hereafter.

Human are those punishments that be inflicted by the commandment of man; and are either corporal, or pecuniary, or ignominy, or imprisonment, or exile, or mixed of these.

Corporal punishment is that which is inflicted on the body directly, and according to the intention of him that inflicteth it: such as are stripes, or wounds, or deprivation of such pleasures of the body as were before lawfully enjoyed.

And of these, some be capital, some less than capital. Capital is the infliction of death; and that either simply or with torment. Less than capital are stripes, wounds, chains, and any other corporal pain not in its own nature mortal. For if upon the infliction of a punishment death follow, not in the intention of the inflicter, the punishment is not to be esteemed capital, though the harm prove mortal by an accident not to be foreseen; in which case death is not inflicted, but hastened.

Pecuniary punishment is that which consisteth not only in the deprivation of a sum of money, but also of lands, or any other goods which are usually bought and sold for money. And in case the law that ordaineth such a punishment be made with design to gather money from such as shall transgress the same, it is not properly a punishment, but the price of privilege and exemption from the law, which doth not absolutely forbid the fact but only to those that are not able to pay the money: except where the law is natural, or part of religion; for in that case it is not an exemption from the law, but a transgression of it. As where a law exacteth a pecuniary mulct of them that take the name of God in vain, the payment of the mulct is not the price of a dispensation to swear, but the punishment of the transgression of a law indispensable. In like manner if the law impose a sum of money to be paid to him that has been injured, this is but a satisfaction for the hurt done him, and extinguisheth the accusation of the party injured, not the crime of the offender.

Ignominy is the infliction of such evil as is made dishonourable; or the deprivation of such good as is made honourable by the Commonwealth. For there be some things honourable by nature; as the effects of courage, magnanimity, strength, wisdom, and other abilities of body and mind: others made honourable by the Commonwealth; as badges, titles, offices, or any other singular mark of the sovereigns favour. The former, though they may fail by nature or accident, cannot be taken away by a law; and therefore the loss of them is not punishment. But the latter may be taken away by the public authority that made them honourable, and are properly punishments: such are, degrading men condemned, of their badges, titles, and offices; or declaring them incapable of the like in time to come.

Imprisonment is when a man is by public authority deprived of liberty, and may happen from two diverse ends; whereof one is the safe custody of a man accused; the other is the inflicting of pain on a man condemned. The former is not punishment, because no man is supposed to be punished before he be judicially heard and declared guilty. And therefore whatsoever hurt a man is made to suffer by bonds or restraint before his cause be heard, over and above that which is necessary to assure his custody, is against the law of nature. But the latter is punishment because evil, and inflicted by public authority for somewhat that has by the same authority been judged a transgression of the law. Under this word imprisonment, I comprehend all restraint of motion caused by an external obstacle, be it a house, which is called by the general name of a prison; or an island, as when men are said to be confined to it; or a place where men are set to work, as in old time men have been condemned to quarries, and in these times to galleys; or be it a chain or any other such impediment.

Exile (banishment) is when a man is for a crime condemned to depart out of the dominion of the Commonwealth, or out of a certain part thereof, and during a prefixed time, or for ever, not to return into it; and seemeth not in its own nature, without other circumstances, to be a punishment, but rather an escape, or a public commandment to avoid punishment by

flight. And Cicero says there was never any such punishment ordained in the city of Rome; but calls it a refuge of men in danger. For if a man banished be nevertheless permitted to enjoy his goods, and the revenue of his lands, the mere change of air is no punishment; nor does it tend to that benefit of the Commonwealth for which all punishments are ordained, that is to say, to the forming of men's wills to the observation of the law; but many times to the damage of the Commonwealth. For a banished man is a lawful enemy of the Commonwealth that banished him, as being no more a member of the same. But if he be withal deprived of his lands, or goods, then the punishment lieth not in the exile, but is to be reckoned amongst punishments pecuniary.

All punishments of innocent subjects, be they great or little, are against the law of nature: for punishment is only for transgression of the law, and therefore there can be no punishment of the innocent. It is therefore a violation, first, of that law of nature which forbiddeth all men, in their revenges, to look at anything but some future good: for there can arrive no good to the Commonwealth by punishing the innocent. Secondly, of that which forbiddeth ingratitude: for seeing all sovereign power is originally given by the consent of every one of the subjects, to the end they should as long as they are obedient be protected thereby, the punishment of the innocent is a rendering of evil for good. And thirdly, of the law that commandeth equity; that is to say, an equal distribution of justice, which in punishing the innocent is not observed.

But the infliction of what evil soever on an innocent man that is not a subject, if it be for the benefit of the Commonwealth, and without violation of any former covenant, is no breach of the law of nature. For all men that are not subjects are either enemies, or else they have ceased from being so by some precedent covenants. But against enemies, whom the Commonwealth judgeth capable to do them hurt, it is lawful by the original right of nature to make war; wherein the sword judgeth not, nor doth the victor make distinction of nocent and innocent as to the time past, nor has other respect of mercy than as it conduceth to the good of his own people. And upon this ground it is that also in subjects who deliberately deny the authority of the Commonwealth established, the vengeance is lawfully extended, not only to the fathers, but also to the third and fourth generation not yet in being, and consequently innocent of the fact for which they are afflicted: because the nature of this offence consisteth in the renouncing of subjection, which is a relapse into the condition of war commonly called rebellion; and they that so offend, suffer not as subjects, but as enemies. For rebellion is but war renewed.

Reward is either of gift or by contract. When by contract, it is called salary and wages; which is benefit due for service performed or promised. When of gift, it is benefit proceeding from the grace of them that bestow it, to encourage or enable men to do them service. And therefore when the sovereign of a Commonwealth appointeth a salary to any public office, he that receiveth it is bound in justice to perform his office; otherwise, he is bound only in honour to acknowledgement and an endeavour of requital. For though men have no lawful remedy when they be commanded to quit their private business to serve the public, without reward or salary, yet they are not bound thereto by the law of nature, nor by the institution of the Commonwealth, unless the service cannot otherwise be done; because it is supposed the sovereign may make use of all their means, insomuch as the most common soldier may demand the wages of his warfare as a debt.

The benefits which a sovereign bestoweth on a subject, for fear of some power and ability he hath to do hurt to the Commonwealth, are not properly rewards: for they are not salaries, because there is in this case no contract supposed, every man being obliged already not to do the Commonwealth disservice: nor are they graces, because they be extorted by fear, which ought not to be incident to the sovereign power: but are rather sacrifices, which the sovereign, considered in his natural person, and not in the person of the Commonwealth, makes for the appeasing the discontent of him he thinks more potent than himself; and encourage not to obedience, but, on the contrary, to the continuance and increasing of further extortion.

And whereas some salaries are certain, and proceed from the public treasury; and others uncertain and casual, proceeding from the execution of the office for which the salary is ordained; the latter is in some cases hurtful to the Commonwealth, as in the case of judicature. For where the benefit of the judges, and ministers of a court of justice, ariseth for the multitude of causes that are brought to their cognizance, there must needs follow two inconveniences: one is the nourishing of suits; for the more suits, the greater benefit: and another that depends on that, which is contention which is about jurisdiction; each court drawing to itself as many causes as it can. But in offices of execution there are not those inconveniences, because their employment cannot be increased by any endeavour of their own. And thus much shall suffice for the nature of punishment and reward; which are, as it were, the nerves and tendons that move the limbs and joints of a Commonwealth.

Hitherto I have set forth the nature of man, whose pride and other passions have compelled him to submit himself to government; together with the great power of his governor, whom I compared to LEVIATHAN, taking that comparison out of the two last verses of the one-and-fortieth of Job; where God, having set forth the great power of Leviathan, calleth him king of the proud. "There is nothing," saith he, "on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is king of all the children of pride." But because he is mortal, and subject to decay, as all other earthly creatures are; and because there is that in heaven, though not on earth, that he should stand in fear of, and whose laws he ought to obey; I shall in the next following chapters speak of his diseases and the causes of his mortality, and of what laws of nature he is bound to obey.

## **CHAPTER XXIX OF THOSE THINGS THAT WEAKEN OR TEND TO THE DISSOLUTION OF A COMMONWEALTH**

THOUGH nothing can be immortal which mortals make; yet, if men had the use of reason they pretend to, their Commonwealths might be secured, at least, from perishing by internal diseases. For by the nature of their institution, they are designed to live as long as mankind, or as the laws of nature, or as justice itself, which gives them life. Therefore when they come to be dissolved, not by external violence, but intestine disorder, the fault is not in men as they are the matter, but as they are the makers and orderers of them. For men, as they become at last weary of irregular jostling and hewing one another, and desire with all their hearts to conform themselves into one firm and lasting edifice; so for want both of the art of making fit laws to square their actions by, and also of humility and patience to suffer the rude and cumbersome points of their present greatness to be taken off, they cannot

without the help of a very able architect be compiled into any other than a crazy building, such as, hardly lasting out their own time, must assuredly fall upon the heads of their posterity.

Amongst the infirmities therefore of a Commonwealth, I will reckon in the first place those that arise from an imperfect institution, and resemble the diseases of a natural body, which proceed from a defectuous procreation.

Of which this is one: that a man to obtain a kingdom is sometimes content with less power than to the peace and defence of the Commonwealth is necessarily required. From whence it cometh to pass that when the exercise of the power laid by is for the public safety to be resumed, it hath the resemblance of an unjust act, which disposeth great numbers of men, when occasion is presented, to rebel; in the same manner as the bodies of children gotten by diseased parents are subject either to untimely death, or to purge the ill quality derived from their vicious conception, by breaking out into biles and scabs. And when kings deny themselves some such necessary power, it is not always (though sometimes) out of ignorance of what is necessary to the office they undertake, but many times out of a hope to recover the same again at their pleasure: wherein they reason not well; because such as will hold them to their promises shall be maintained against them by foreign Commonwealths; who in order to the good of their own subjects let slip few occasions to weaken the estate of their neighbours. So was Thomas Becket, Archbishop of Canterbury, supported against Henry the Second by the Pope; the subjection of ecclesiastics to the Commonwealth having been dispensed with by William the Conqueror at his reception, when he took an oath not to infringe the liberty of the Church. And so were the barons, whose power was by William Rufus, to have their help in transferring the succession from his elder brother to himself, increased to a degree inconsistent with the sovereign power, maintained in their rebellion against King John by the French.

Nor does this happen in monarchy only. For whereas the style of the ancient Roman Commonwealth was, "The Senate and People of Rome"; neither senate nor people pretended to the whole power; which first caused the seditions of Tiberius Gracchus, Caius Gracchus, Lucius Saturninus, and others; and afterwards the wars between the senate and the people under Marius and Sylla; and again under Pompey and Caesar to the extinction of their democracy and the setting up of monarchy.

The people of Athens bound themselves but from one only action, which was that no man on pain of death should propound the renewing of the war for the island of Salamis; and yet thereby, if Solon had not caused to be given out he was mad, and afterwards in gesture and habit of a madman, and in verse, propounded it to the people that flocked about him, they had had an enemy perpetually in readiness, even at the gates of their city: such damage, or shifts, are all Commonwealths forced to that have their power never so little limited.

In the second place, I observe the diseases of a Commonwealth that proceed from the poison of seditious doctrines, whereof one is that every private man is judge of good and evil actions. This is true in the condition of mere nature, where there are no civil laws; and also under civil government in such cases as are not determined by the law. But otherwise, it is manifest that the measure of good and evil actions is the civil law; and the judge the legislator, who is always representative of the Commonwealth. From this false doctrine,

men are disposed to debate with themselves and dispute the commands of the Commonwealth, and afterwards to obey or disobey them as in their private judgments they shall think fit; whereby the Commonwealth is distracted and weakened.

Another doctrine repugnant to civil society is that whatsoever a man does against his conscience is sin; and it dependeth on the presumption of making himself judge of good and evil. For a man's conscience and his judgement is the same thing; and as the judgement, so also the conscience may be erroneous. Therefore, though he that is subject to no civil law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason, yet it is not so with him that lives in a Commonwealth, because the law is the public conscience by which he hath already undertaken to be guided. Otherwise in such diversity as there is of private consciences, which are but private opinions, the Commonwealth must needs be distracted, and no man dare to obey the sovereign power farther than it shall seem good in his own eyes.

It hath been also commonly taught that faith and sanctity are not to be attained by study and reason, but by supernatural inspiration or infusion. Which granted, I see not why any man should render a reason of his faith; or why every Christian should not be also a prophet; or why any man should take the law of his country rather than his own inspiration for the rule of his action. And thus we fall again into the fault of taking upon us to judge of good and evil; or to make judges of it such private men as pretend to be supernaturally inspired, to the dissolution of all civil government. Faith comes by hearing, and hearing by those accidents which guide us into the presence of them that speak to us; which accidents are all contrived by God Almighty, and yet are not supernatural, but only, for the great number of them that concur to every effect, unobservable. Faith and sanctity are indeed not very frequent; but yet they are not miracles, but brought to pass by education, discipline, correction, and other natural ways by which God worketh them in His elect, at such time as He thinketh fit. And these three opinions, pernicious to peace and government, have in this part of the world proceeded chiefly from tongues and pens of unlearned divines; who, joining the words of Holy Scripture together otherwise is agreeable to reason, do what they can to make men think that sanctity and natural reason cannot stand together.

A fourth opinion repugnant to the nature of a Commonwealth is this: that he that hath the sovereign power is subject to the civil laws. It is true that sovereigns are all subject to the laws of nature, because such laws be divine and cannot by any man or Commonwealth be abrogated. But to those laws which the sovereign himself, that is, which the Commonwealth, maketh, he is not subject. For to be subject to laws is to be subject to the Commonwealth, that is, to the sovereign representative, that is, to himself which is not subjection, but freedom from the laws. Which error, because it setteth the laws above the sovereign, setteth also a judge above him, and a power to punish him; which is to make a new sovereign; and again for the same reason a third to punish the second; and so continually without end, to the confusion and dissolution of the Commonwealth.

A fifth doctrine that tendeth to the dissolution of a Commonwealth is that every private man has an absolute propriety in his goods, such as excludeth the right of the sovereign. Every man has indeed a propriety that excludes the right of every other subject: and he has it only from the sovereign power, without the protection whereof every other man should have right to the same. But the right of the sovereign also be excluded, he cannot perform



the office they have put him into, which is to defend them both from foreign enemies and from the injuries of one another; and consequently there is no longer a Commonwealth.

And if the propriety of subjects exclude not the right of the sovereign representative to their goods; much less, to their offices of judicature or execution in which they represent the sovereign himself.

There is a sixth doctrine, plainly and directly against the essence of a Commonwealth, and it is this: that the sovereign power may be divided. For what is it to divide the power of a Commonwealth, but to dissolve it; for powers divided mutually destroy each other. And for these doctrines men are chiefly beholding to some of those that, making profession of the laws, endeavour to make them depend upon their own learning, and not upon the legislative power.

And as false doctrine, so also oftentimes the example of different government in a neighbouring nation disposeth men to alteration of the form already settled. So the people of the Jews were stirred up to reject God, and to call upon the prophet Samuel for a king after the manner of the nations: so also the lesser cities of Greece were continually disturbed with seditions of the aristocratical and democratical factions; one part of almost every Commonwealth desiring to imitate the Lacedaemonians; the other, the Athenians. And I doubt not but many men have been contented to see the late troubles in England out of an imitation of the Low Countries, supposing there needed no more to grow rich than to change, as they had done, the form of their government. For the constitution of man's nature is of itself subject to desire novelty: when therefore they are provoked to the same by the neighbourhood also of those that have been enriched by it, it is almost impossible to be content with those that solicit them to change; and love the first beginnings, though they be grieved with the continuance of disorder; like hot bloods that, having gotten the itch, tear themselves with their own nails till they can endure the smart no longer.

And as to rebellion in particular against monarchy, one of the most frequent causes of it is the reading of the books of policy and histories of the ancient Greeks and Romans; from which young men, and all others that are unprovided of the antidote of solid reason, receiving a strong and delightful impression of the great exploits of war achieved by the conductors of their armies, receive withal a pleasing idea of all they have done besides; and imagine their great prosperity not to have proceeded from the emulation of particular men, but from the virtue of their popular form of government not considering the frequent seditions and civil wars produced by the imperfection of their policy. From the reading, I say, of such books, men have undertaken to kill their kings, because the Greek and Latin writers in their books and discourses of policy make it lawful and laudable for any man so to do, provided before he do it he call him tyrant. For they say not regicide, that is, killing of a king, but tyrannicide, that is, killing of a tyrant, is lawful. From the same books they that live under a monarch conceive an the opinion that the subjects in a popular Commonwealth enjoy liberty, but that in a monarchy they are all slaves. I say, they that live under a monarchy conceive such an opinion; not that they live under a popular government: for they find no such matter. In sum, I cannot imagine how anything can be more prejudicial to a monarchy than the allowing of such books to be publicly read, without present applying such correctives of discreet masters as are fit to take away their venom: which venom I will not doubt to compare to the biting of a mad dog, which is a disease that physicians call

hydrophobia, or fear of water. For as he that is so bitten has a continual torment of thirst, and yet abhorreth water; and is in such an estate as if the poison endeavoured to convert him into a dog; so when a monarchy is once bitten to the quick by those democratical writers that continually snarl at that estate, it wanteth nothing more than a strong monarch, which nevertheless out of a certain tyrannophobia, or fear of being strongly governed, when they have him, they abhor.

As there have been doctors that hold there be three souls in a man; so there be also that think there may be more souls, that is, more sovereigns, than one in a Commonwealth; and set up a supremacy against the sovereignty; canons against laws; and a ghostly authority against the civil; working on men's minds with words and distinctions that of themselves signify nothing, but bewray, by their obscurity, that there walketh (as some think invisibly) another kingdom, as it were a kingdom of fairies, in the dark. Now seeing it is manifest that the civil power and the power of the Commonwealth is the same thing; and that supremacy, and the power of making canons, and granting faculties, implieth a Commonwealth; it followeth that where one is sovereign, another supreme; where one can make laws, and another make canons; there must needs be two Commonwealths, of one and the same subjects; which is a kingdom divided in itself, and cannot stand. For notwithstanding the insignificant distinction of temporal and ghostly, they are still two kingdoms, and every subject is subject to two masters. For seeing the ghostly power challengeth the right to declare what is sin, it challengeth by consequence to declare what is law, sin being nothing but the transgression of the law; and again, the civil power challenging to declare what is law, every subject must obey two masters, who both will have their commands be observed as law, which is impossible. Or, if it be but one kingdom, either the civil, which is the power of the Commonwealth, must be subordinate to the ghostly, and then there is no sovereignty but the ghostly; or the ghostly must be subordinate to the temporal, and then there is no supremacy but the temporal. When therefore these two powers oppose one another, the Commonwealth cannot but be in great danger of civil war and dissolution. For the civil authority being more visible, and standing in the clearer light of natural reason, cannot choose but draw to it in all times a very considerable part of the people: and the spiritual, though it stand in the darkness of School distinctions and hard words; yet, because the fear of darkness and ghosts is greater than other fears, cannot want a party sufficient to trouble, and sometimes to destroy, a Commonwealth. And this is a disease which not unfitly may be compared to the epilepsy, or falling sickness (which the Jews took to be one kind of possession by spirits), in the body natural. For as in this disease there is an unnatural spirit or wind in the head that obstructeth the roots of the nerves and, moving them violently, taketh the motion which naturally they should have from the power of the soul in the brain; thereby causeth violent and irregular motions, which men call convulsions, in the parts; insomuch as he that is seized therewith falleth down sometimes into the water, and sometimes into the fire, as a man deprived of his senses: so also in the body politic, when the spiritual power moveth the members of a Commonwealth by the terror of punishments and hope of rewards, which are the nerves of it, otherwise than by the civil power, which is the soul of the Commonwealth, they ought to be moved; and by strange and hard words suffocates their understanding; it must needs thereby distract the people, and either overwhelm the Commonwealth with oppression, or cast it into the fire of a civil war.

Sometimes also in the merely civil government there be more than one soul: as when the power of levying money, which is the nutritive faculty, has depended on a general assembly; the power of conduct and command, which is the motive faculty, on one man; and the power of making laws, which is the rational faculty, on the accidental consent, not only of those two, but also of a third: this endangereth the Commonwealth, sometimes for want of consent to good laws, but most often for want of such nourishment as is necessary to life and motion. For although few perceive that such government is not government, but division of the Commonwealth into three factions, and call it mixed monarchy; yet the truth is that it is not one independent Commonwealth, but three independent factions; nor one representative person, but three. In the kingdom of God there may be three persons independent, without breach of unity in God that reigneth; but where men reign, that be subject to diversity of opinions, it cannot be so. And therefore if the king bear the person of the people, and the general assembly bear also the person of the people, and another assembly bear the person of a part of the people, they are not one person, nor one sovereign; but three persons, and three sovereigns.

To what disease in the natural body of man I may exactly compare this irregularity of a Commonwealth, I know not. But I have seen a man that had another man growing out of his side, with a head, arms, breast, and stomach of his own: if he had had another man growing out of his other side, the comparison might then have been exact.

Hitherto I have named such diseases of a Commonwealth as are of the greatest and most present danger. There be other, not so great, which nevertheless are not unfit to be observed. As first, the difficulty of raising money for the necessary uses of the Commonwealth, especially in the approach of war. This difficulty ariseth from the opinion that every subject hath of a propriety in his lands and goods exclusive of the sovereign's right to the use of the same. From whence it cometh to pass that the sovereign power, which foreseeth the necessities and dangers of the Commonwealth, finding the passage of money to the public treasury obstructed by the tenacity of the people, whereas it ought to extend itself, to encounter and prevent such dangers in their beginnings, contracteth itself as long as it can, and when it cannot longer, struggles with the people by stratagems of law to obtain little sums, which, not sufficing, he is fain at last violently to open the way for present supply or perish; and, being put often to these extremities, at last reduceth the people to their due temper, or else the Commonwealth must perish. Insomuch as we may compare this distemper very aptly to an ague; wherein, the fleshy parts being congealed, or by venomous matter obstructed, the veins which by their natural course empty themselves into the heart, are not (as they ought to be) supplied from the arteries, whereby there succeedeth at first a cold contraction and trembling of the limbs; and afterwards a hot and strong endeavour of the heart to force a passage for the blood; and before it can do that, contenteth itself with the small refreshments of such things as cool for a time, till, if nature be strong enough, it break at last the contumacy of the parts obstructed, and dissipateth the venom into sweat; or, if nature be too weak, the patient dieth.

Again, there is sometimes in a Commonwealth a disease which resembleth the pleurisy; and that is when the treasury of the Commonwealth, flowing out of its due course, is gathered together in too much abundance in one or a few private men, by monopolies or by farms of the public revenues; in the same manner as the blood in a pleurisy, getting into the

membrane of the breast, breedeth there an inflammation, accompanied with a fever and painful stitches.

Also, the popularity of a potent subject, unless the Commonwealth have very good caution of his fidelity, is a dangerous disease; because the people, which should receive their motion from the authority of the sovereign, by the flattery and by the reputation of an ambitious man, are drawn away from their obedience to the laws to follow a man of whose virtues and designs they have no knowledge. And this is commonly of more danger in a popular government than in a monarchy, because an army is of so great force and multitude as it may easily be made believe they are the people. By this means it was that Julius Caesar, who was set up by the people against the senate, having won to himself the affections of his army, made himself master both of senate and people. And this proceeding of popular and ambitious men is plain rebellion, and may be resembled to the effects of witchcraft.

Another infirmity of a Commonwealth is the immoderate greatness of a town, when it is able to furnish out of its own circuit the number and expense of a great army; as also the great number of corporations, which are as it were many lesser Commonwealths in the bowels of a greater, like worms in the entrails of a natural man. To may be added, liberty of disputing against absolute power by pretenders to political prudence; which though bred for the most part in the lees of the people, yet animated by false doctrines are perpetually meddling with the fundamental laws, to the molestation of the Commonwealth, like the little worms which physicians call ascarides.

We may further add the insatiable appetite, or bulimia, of enlarging dominion, with the incurable wounds thereby many times received from the enemy; and the wens, of ununited conquests, which are many times a burden, and with less danger lost than kept; as also the lethargy of ease, and consumption of riot and vain expense.

Lastly, when in a war, foreign or intestine, the enemies get a final victory, so as, the forces of the Commonwealth keeping the field no longer, there is no further protection of subjects in their loyalty, then is the Commonwealth dissolved, and every man at liberty to protect himself by such courses as his own discretion shall suggest unto him. For the sovereign is the public soul, giving life and motion to the Commonwealth, which expiring, the members are governed by it no more than the carcass of a man by his departed, though immortal, soul. For though the right of a sovereign monarch cannot be extinguished by the act of another, yet the obligation of the members may. For he that wants protection may seek it anywhere; and, when he hath it, is obliged (without fraudulent pretence of having submitted himself out of fear) to protect his protection as long as he is able. But when the power of an assembly is once suppressed, the right of the same perisheth utterly, because the assembly itself is extinct; and consequently, there is no possibility for sovereignty to re-enter.

## CHAPTER XXX

### OF THE OFFICE OF THE SOVEREIGN REPRESENTATIVE

THE office of the sovereign, be it a monarch or an assembly, consisteth in the end for which he was trusted with the sovereign power, namely the procuration of the safety of the people,

to which he is obliged by the law of nature, and to render an account thereof to God, the Author of that law, and to none but Him. But by safety here is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger or hurt to the Commonwealth, shall acquire to himself.

And this is intended should be done, not by care applied to individuals, further than their protection from injuries when they shall complain; but by a general providence, contained in public instruction, both of doctrine and example; and in the making and executing of good laws to which individual persons may apply their own cases.

And because, if the essential rights of sovereignty (specified before in the eighteenth Chapter) be taken away, the Commonwealth is thereby dissolved, and every man returneth into the condition and calamity of a war with every other man, which is the greatest evil that can happen in this life; it is the office of the sovereign to maintain those rights entire, and consequently against his duty, first, to transfer to another or to lay from himself any of them. For he that deserteth the means deserteth the ends; and he deserteth the means that, being the sovereign, acknowledgeth himself subject to the civil laws, and renounceth the power of supreme judicature; or of making war or peace by his own authority; or of judging of the necessities of the Commonwealth; or of levying money and soldiers when and as much as in his own conscience he shall judge necessary; or of making officers and ministers both of war and peace; or of appointing teachers, and examining what doctrines are conformable or contrary to the defence, peace, and good of the people. Secondly, it is against his duty to let the people be ignorant or misinformed of the grounds and reasons of those his essential rights, because thereby men are easy to be seduced and drawn to resist him when the Commonwealth shall require their use and exercise.

And the grounds of these rights have the rather need drafter need to be diligently and truly taught, because they cannot be maintained by any civil law or terror of legal punishment. For a civil law that shall forbid rebellion (and such is all resistance to the essential rights of sovereignty) is not, as a civil law, any obligation but by virtue only of the law of nature that forbiddeth the violation of faith; which natural obligation, if men know not, they cannot know the right of any law the sovereign maketh. And for the punishment, they take it but for an act of hostility; which when they think they have strength enough, they will endeavour, by acts of hostility, to avoid.

As I have heard some say that justice is but a word, without substance; and that whatsoever a man can by force or art acquire to himself, not only in the condition of war, but also in a Commonwealth, is his own, which I have already shown to be false: so there be also that maintain that there are no grounds, nor principles of reason, to sustain those essential rights which make sovereignty absolute. For if there were, they would have been found out in some place or other; whereas we see there has not hitherto been any Commonwealth where those rights have been acknowledged, or challenged. Wherein they argue as ill, as if the savage people of America should deny there were any grounds or principles of reason so to build a house as to last as long as the materials, because they never yet saw any so well built. Time and industry produce every day new knowledge. And as the art of well building is derived from principles of reason, observed by industrious men that had long studied the nature of materials, and the diverse effects of figure and proportion, long after mankind began, though poorly, to build: so, long time after men have

begun to constitute Commonwealths, imperfect and apt to relapse into disorder, there may principles of reason be found out, by industrious meditation, to make their constitution, excepting by external violence, everlasting. And such are those which I have in this discourse set forth: which, whether they come not into the sight of those that have power to make use of them, or be neglected by them or not, concerneth my particular interest, at this day, very little. But supposing that these of mine are not such principles of reason; yet I am sure they are principles from authority of Scripture, as I shall make it appear when I shall come to speak of the kingdom of God, administered by Moses, over the Jews, His peculiar people by covenant.

But they say again that though the principles be right, yet common people are not of capacity enough to be made to understand them. I should be glad that the rich and potent subjects of a kingdom, or those that are accounted the most learned, were no less incapable than they. But all men know that the obstructions to this kind of doctrine proceed not so much from the difficulty of the matter, as from the interest of them that are to learn. Potent men digest hardly anything that setteth up a power to bridle their affections; and learned men, anything that discovereth their errors, and thereby their authority: whereas the common people's minds, unless they be tainted with dependence on the potent, or scribbled over with the opinions of their doctors, are like clean paper, fit to receive whatsoever by public authority shall be imprinted in them. Shall whole nations be brought to acquiesce in the great mysteries of Christian religion, which are above reason; and millions of men be made believe that the same body may be in innumerable places at one and the same time, which is against reason; and shall not men be able, by their teaching and preaching, protected by the law, to make that received which is so consonant to reason that any unprejudicated man needs no more to learn it than to hear it? I conclude therefore that in the instruction of the people in the essential rights which are the natural and fundamental laws of sovereignty, there is no difficulty, whilst a sovereign has his power entire, but what proceeds from his own fault, or the fault of those whom he trusteth in the administration of the Commonwealth; and consequently, it is his duty to cause them so to be instructed; and not only his duty, but his benefit also, and security against the danger that may arrive to himself in his natural person from rebellion.

And, to descend to particulars, the people are to be taught, first, that they ought not to be in love with any form of government they see in their neighbour nations, more than with their own, nor, whatsoever present prosperity they behold in nations that are otherwise governed than they, to desire change. For the prosperity of a people ruled by an aristocratical or democratical assembly cometh not from aristocracy, nor from democracy, but from the obedience and concord of the subjects: nor do the people flourish in a monarchy because one man has the right to rule them, but because they obey him. Take away in any kind of state the obedience, and consequently the concord of the people, and they shall not only not flourish, but in short time be dissolved. And they that go about by disobedience to do no more than reform the Commonwealth shall find they do thereby destroy it; like the foolish daughters of Peleus, in the fable, which desiring to renew the youth of their decrepit father, did by the counsel of Medea cut him in pieces and boil him, together with strange herbs, but made not of him a new man. This desire of change is like the breach of the first of God's Commandments: for there God says, *Non habebis Deos alienos*: "Thou shalt not have the Gods of other nations"; and in another place concerning kings, that they are gods.

Secondly, they are to be taught that they ought not to be led with admiration of the virtue of any of their fellow subjects, how high soever he stand, nor how conspicuously soever he shine in the Commonwealth; nor of any assembly, except the sovereign assembly, so as to defer to them any obedience or honour appropriate to the sovereign only, whom, in their particular stations, they represent; nor to receive any influence from them, but such as is conveyed by them from the sovereign authority. For that sovereign cannot be imagined to love his people as he ought that is not jealous of them, but suffers them by the flattery of popular men to be seduced from their loyalty, as they have often been, not only secretly, but openly, so as to proclaim marriage with them in facie ecclesiae by preachers, and by publishing the same in the open streets: which may fitly be compared to the violation of the second of the Ten Commandments.

Thirdly, in consequence to this, they ought to be informed how great a fault it is to speak evil of the sovereign representative, whether one man or an assembly of men; or to argue and dispute his power, or any way to use his name irreverently, whereby he may be brought into contempt with his people, and their obedience, in which the safety of the Commonwealth consisteth, slackened. Which doctrine the third Commandment by resemblance pointeth to.

Fourthly, seeing people cannot be taught this, nor, when it is taught, remember it, nor after one generation past so much as know in whom the sovereign power is placed, without setting apart from their ordinary labour some certain times in which they may attend those that are appointed to instruct them; it is necessary that some such times be determined wherein they may assemble together, and, after prayers and praises given to God, the Sovereign of sovereigns, hear those their duties told them, and the positive laws, such as generally concern them all, read and expounded, and be put in mind of the authority that maketh them laws. To this end had the Jews every seventh day a Sabbath, in which the law was read and expounded; and in the solemnity whereof they were put in mind that their king was God; that having created the world in six days, He rested on the seventh day; and by their resting on it from their labour, that that God was their king, which redeemed them from their servile and painful labour in Egypt, and gave them a time, after they had rejoiced in God, to take joy also in themselves, by lawful recreation. So that the first table of the Commandments is spent all in setting down the sum of God's absolute power; not only as God, but as King by pact, in peculiar, of the Jews; and may therefore give light to those that have sovereign power conferred on them by the consent of men, to see what doctrine they ought to teach their subjects.

And because the first instruction of children dependeth on the care of their parents, it is necessary that they should be obedient to them whilst they are under their tuition; and not only so, but that also afterwards, as gratitude requireth, they acknowledge the benefit of their education by external signs of honour. To which end they are to be taught that originally the father of every man was also his sovereign lord, with power over him of life and death; and that the fathers of families, when by instituting a Commonwealth they resigned that absolute power, yet it was never intended they should lose the honour due unto them for their education. For to relinquish such right was not necessary to the institution of sovereign power; nor would there be any reason why any man should desire to have children, or take the care to nourish and instruct them, if they were afterwards to

have no other benefit from them than from other men. And this accordeth with the fifth Commandment.

Again, every sovereign ought to cause justice to be taught, which, consisting in taking from no man what is his, is as much as to say, to cause men to be taught not to deprive their neighbours, by violence or fraud, of anything which by the sovereign authority is theirs. Of things held in propriety, those that are dearest to a man are his own life and limbs; and in the next degree, in most men, those that concern conjugal affection; and after them riches and means of living. Therefore the people are to be taught to abstain from violence to one another's person by private revenges, from violation of conjugal honour, and from forcible rapine and fraudulent surreption of one another's goods. For which purpose also it is necessary they be shown the evil consequences of false judgment, by corruption either of judges or witnesses, whereby the distinction of propriety is taken away, and justice becomes of no effect: all which things are intimated in the sixth, seventh, eighth, and ninth Commandments.

Lastly, they are to be taught that not only the unjust facts, but the designs and intentions to do them, though by accident hindered, are injustice; which consisteth in the pravity of the will, as well as in the irregularity of the act. And this is the intention of the tenth Commandment, and the sum of the second table; which is reduced all to this one commandment of mutual charity, "Thou shalt love thy neighbour as thy self"; as the sum of the first table is reduced to "the love of God"; whom they had then newly received as their king.

As for the means and conduits by which the people may receive this instruction, we are to search by what means so many opinions contrary to the peace of mankind, upon weak and false principles, have nevertheless been so deeply rooted in them. I mean those which I have in the precedent the precedent chapter specified: as that men shall judge of what is lawful and unlawful, not by the law itself, but by their own consciences; that is to say, by their own private judgements: that subjects sin in obeying the commands of the Commonwealth, unless they themselves have first judged them to be lawful: that their propriety in their riches is such as to exclude the dominion which the Commonwealth hath the same: that it is lawful for subjects to kill such as they call tyrants: that the sovereign power may be divided, and the like; which come to be instilled into the people by this means. They whom necessity or covetousness keepeth attent on their trades and labour; and they, on the other side, whom superfluity or sloth carrieth after their sensual pleasures (which two sorts of men take up the greatest part of mankind), being diverted from the deep meditation which the of truth, not only in the matter of natural justice, but also of all other sciences necessarily requireth, receive the notions of their duty chiefly from divines in the pulpit, and partly from such of their neighbours or familiar acquaintance as having the faculty of discoursing readily and plausibly seem wiser and better learned in cases of law and conscience than themselves. And the divines, and such others as make show of learning, derive their knowledge from the universities, and from the schools of law, or from the books which by men eminent in those schools and universities have been published. It is therefore manifest that the instruction of the people dependeth wholly on the right teaching of youth in the universities. But are not, may some man say, the universities of England learned enough already to do that? Or is it, you will undertake to teach the universities? Hard questions. Yet to the first, I doubt not to answer: that till towards the



latter end of Henry the Eighth, the power of the Pope was always upheld against the power of the Commonwealth, principally by the universities; and that the doctrines by so many preachers against the sovereign power of the king, and by so many lawyers and others that had their education there, is a sufficient argument that, though the universities were not authors of those false doctrines, yet they knew not how to plant the true. For in such a contradiction of opinions, it is most certain that they have not been sufficiently instructed; and it is no wonder, if they yet retain a relish of that subtle liquor wherewith they were first seasoned against the civil authority. But to the latter question, it is not fit nor needful for me to say either aye or no: for any man that sees what I am doing may easily perceive what I think.

The safety of the people requireth further, from him or them that have the sovereign power, that justice be equally administered to all degrees of people; that is, that as well the rich and mighty, as poor and obscure persons, may be righted of the injuries done them; so as the great may have no greater hope of impunity, when they do violence, dishonour, or any injury to the meaner sort, than when one of these does the like to one of them: for in this consisteth equity; to which, as being a precept of the law of nature, a sovereign is as much subject as any of the meanest of his people. All breaches of the law are offences against the Commonwealth: but there be some that are also against private persons. Those that concern the Commonwealth only may without breach of equity be pardoned; for every man may pardon what is done against himself, according to his own discretion. But an offence against a private man cannot in equity be pardoned without the consent of him that is injured; or reasonable satisfaction.

The inequality of subjects proceedeth from the acts of sovereign power, and therefore has no more place in the presence of the sovereign; that is to say, in a court of justice, than the inequality between kings and their subjects in the presence of the King of kings. The honour of great persons is to be valued for their beneficence, and the aids they give to men of inferior rank, or not at all. And the violences, oppressions, and injuries they do are not extenuated, but aggravated, by the greatness of their persons, because they have least need to commit them. The consequences of this partiality towards the great proceed in this manner. Impunity maketh insolence; insolence, hatred; and hatred, an endeavour to pull down all oppressing and contumelious greatness, though with the ruin of the Commonwealth.

To equal justice appertaineth also the equal imposition of taxes; the equality whereof dependeth not on the equality of riches, but on the equality of the debt that every man oweth to the Commonwealth for his defence. It is not enough for a man to labour for the maintenance of his life; but also to fight, if need be, for the securing of his labour. They must either do as the Jews did after their return from captivity, in re-edifying the Temple, build with one hand and hold the sword in the other, or else they must hire others to fight for them. For the impositions that are laid on the people by the sovereign power are nothing else but the wages due to them that hold the public sword to defend private men in the exercise of several trades and callings. Seeing then the benefit that every one receiveth thereby is the enjoyment of life, which is equally dear to poor and rich, the debt which a poor man oweth them that defend his life is the same which a rich man oweth for the defence of his; saving that the rich, who have the service of the poor, may be debtors not only for their own persons, but for many more. Which considered, the equality of imposition

consisteth rather in the equality of that which is consumed, than of the riches of the persons that consume the same. For what reason is there that he which laboureth much and, sparing the fruits of his labour, consumeth little should be more charged than he that, living idly, getteth little and spendeth all he gets; seeing the one hath no more protection from the Commonwealth than the other? But when the impositions are laid upon those things which men consume, every man payeth equally for what he useth; nor is the Commonwealth defrauded by the luxurious waste of private men.

And whereas many men, by accident inevitable, become unable to maintain themselves by their labour, they ought not to be left to the charity of private persons, but to be provided for, as far forth as the necessities of nature require, by the laws of the Commonwealth. For as it is uncharitableness in any man to neglect the impotent; so it is in the sovereign of a Commonwealth, to expose them to the hazard of such uncertain charity.

But for such as have strong bodies the case is otherwise; they are to be forced to work; and to avoid the excuse of not finding employment, there ought to be such laws as may encourage all manner of arts; as navigation, agriculture, fishing, and all manner of manufacture that requires labour. The multitude of poor and yet strong people still increasing, they are to be transplanted into countries not sufficiently inhabited; where nevertheless they are not to exterminate those they find there; but constrain them to inhabit closer together, and not range a great deal of ground to snatch what they find, but to court each little plot with art and labour, to give them their sustenance in due season. And when all the world is overcharged with inhabitants, then the last remedy of all is war, which provideth for every man, by victory or death.

To the care of the sovereign belongeth the making of good laws. But what is a good law? By a good law, I mean not a just law: for no law can be unjust. The law is made by the sovereign power, and all that is done by such power is warranted and owned by every one of the people; and that which every man will have so, no man can say is unjust. It is in the laws of a Commonwealth, as in the laws of gaming: whatsoever the gamesters all agree on is injustice to none of them. A good law is that which is needful, for the good of the people, and withal perspicuous.

For the use of laws (which are but rules authorized) is not to bind the people from all voluntary actions, but to direct and keep them in such a motion as not to hurt themselves by their own impetuous desires, rashness, or indiscretion; as hedges are set, not to stop travellers, but to keep them in the way. And therefore a law that is not needful, having not the true end of a law, is not good. A law may be conceived to be good when it is for the benefit of the sovereign, though it be not necessary for the people, but it is not so. For the good of the sovereign and people cannot be separated. It is a weak sovereign that has weak subjects; and a weak people whose sovereign wanteth power to rule them at his will. Unnecessary laws are not good laws, but traps for money which, where the right of sovereign power is acknowledged, are superfluous; and where it is not acknowledged, insufficient to defend the people.

The perspicuity consisteth not so much in the words of the law itself, as in a declaration of the causes and motives for which it was made. That is it that shows us the meaning of the legislator; and the meaning of the legislator known, the law is more easily understood by

few than many words. For all words are subject to ambiguity; and therefore multiplication of words in the body of the law is multiplication of ambiguity: besides it seems to imply, by too much diligence, that whosoever can evade the words is without the compass of the law. And this is a cause of many unnecessary processes. For when I consider how short were the laws of ancient times, and how they grew by degrees still longer, methinks I see a contention between the penners and pleaders of the law; the former seeking to circumscribe the latter, and the latter to evade their circumscriptions; and that the pleaders have got the victory. It belongeth therefore to the office of a legislator (such as is in all Commonwealths the supreme representative, be it one man or an assembly) to make the reason perspicuous why the law was made, and the body of the law itself as short, but in as proper and significant terms, as may be.

It belongeth also to the office of the sovereign to make a right application of punishments and rewards. And seeing the end of punishing is not revenge and discharge of choler, but correction either of the offender or of others by his example, the severest punishments are to be inflicted for those crimes that are of most danger to the public; such as are those which proceed from malice to the government established; those that spring from contempt of justice; those that provoke indignation in the multitude; and those which, unpunished, seem authorized, as when they are committed by sons, servants, or favourites of men in authority: for indignation carrieth men, not only against the actors and authors of injustice, but against all power that is likely to protect them; as in the case of Tarquin, when for the insolent act of one of his sons he was driven out of Rome, and the monarchy itself dissolved. But crimes of infirmity; such as are those which proceed from great provocation, from great fear, great need, or from ignorance whether the fact be a great crime or not, there is place many times for lenity, without prejudice to the Commonwealth; and lenity, when there is such place for it, is required by the law of nature. The punishment of the leaders and teachers in a commotion; not the poor seduced people, when they are punished, can profit the Commonwealth by their example. To be severe to people is to punish ignorance which may in great part be imputed to the sovereign, whose fault it was they were no better instructed.

In like manner it belongeth to the office and duty of the sovereign to apply his rewards always so as there may arise from them benefit to the Commonwealth: wherein consisteth their use and end; and is then done when they that have well served the Commonwealth are, with as little expense of the common treasury as is possible, so well recompensed as others thereby may be encouraged, both to serve the same as faithfully as they can, and to study the arts by which they may be enabled to do it better. To buy with money or preferment, from a popular ambitious subject to be quiet and desist from making ill impressions in the minds of the people, has nothing of the nature of reward (which is ordained not for disservice, but for service past); nor a sign of gratitude, but of fear; nor does it tend to the benefit, but to the damage of the public. It is a contention with ambition, that of Hercules with the monster Hydra, which, having many heads, for every one that was vanquished there grew up three. For in like manner, when the stubbornness of one popular man is overcome with reward, there arise many more by the example, that do the same mischief in hope of like benefit: and as all sorts of manufacture, so also malice increaseth by being vendible. And though sometimes a civil war may be deferred by such ways as that, yet the danger grows still the greater, and the public ruin more assured. It is therefore against the duty of the sovereign, to whom the public safety is committed, to

reward those that aspire to greatness by disturbing the peace of their country, and not rather to oppose the beginnings of such men with a little danger, than after a longer time with greater.

Another business of the sovereign is to choose good counsellors; I mean such whose advice he is to take in the government of the Commonwealth. For this word counsel (consilium, corrupted from considium) is of a large signification, and comprehendeth all assemblies of men that sit together, not only to deliberate what is to be done hereafter, but also to judge of facts past, and of law for the present. I take it here in the first sense only: and in this sense, there is no choice of counsel, neither in a democracy nor aristocracy; because the persons counselling are members of the person counselled. The choice of counsellors therefore is proper to monarchy, in which the sovereign that endeavoureth not to make choice of those that in every kind are the most able, dischargeth not his office as he ought to do. The most able counsellors are they that have least hope of benefit by giving evil counsel, and most knowledge of those things that conduce to the peace and defence of the Commonwealth. It is a hard matter to know who expecteth benefit from public troubles; but the signs that guide to a just suspicion is the soothing of the people in their unreasonable or irremediable grievances by men whose estates are not sufficient to discharge their accustomed expenses, and may easily be observed by any one whom it concerns to know it. But to know who has most knowledge of the public affairs is yet harder; and they that know them need them a great deal the less. For to know who knows the rules almost of any art is a great degree of the knowledge of the same art, because no man can be assured of the truth of another's rules but he that is first taught to understand them. But the best signs of knowledge of any art are much conversing in it and constant good effects of it. Good counsel comes not by lot, nor by inheritance; and therefore there is no more reason to expect good advice from the rich or noble in matter of state, than in delineating the dimensions of a fortress; unless we shall think there needs no method in the study of the politics, as there does in the study of geometry, but only to be lookers on; which is not so. For the politics is the harder study of the two. Whereas in these parts of Europe it hath been taken for a right of certain persons to have place in the highest council of state by inheritance, it derived from the conquests of the ancient Germans; wherein many absolute lords, joining together to conquer other nations, would not enter into the confederacy without such privileges as might be marks of difference, in time following, between their posterity and the posterity of their subjects; which privileges being inconsistent with the sovereign power, by the favour of the sovereign they may seem to keep; but contending for them as their right, they must needs by degrees let them go, and have at last no further honour than adhereth naturally to their abilities.

And how able soever be the counsellors in any affair, the benefit of their counsel is greater when they give every one his advice, and the reasons of it apart, than when they do it in an assembly by way of orations; and when they have premeditated, than when they speak on the sudden; both because they have more time to survey the consequences of action, and are less subject to be carried away to contradiction through envy, emulation, or other passions arising from the difference of opinion.

The best counsel, in those things that concern not other nations, but only the ease and benefit the subjects may enjoy, by laws that look only inward, is to be taken from the general informations and complaints of the people of each province, who are best

acquainted with their own wants, and ought therefore, when they demand nothing in derogation of the essential rights of sovereignty, to be diligently taken notice of. For without those essential rights, as I have often before said, the Commonwealth cannot at all subsist.

A commander of an army in chief, if he be not popular, shall not be beloved, nor feared as he ought to be by his army, and consequently cannot perform that office with good success. He must therefore be industrious, valiant, affable, liberal and fortunate, that he may gain an opinion both of sufficiency and of loving his soldiers. This is popularity, and breeds in the soldiers both desire and courage to recommend themselves to his favour; and protects the severity of the general, in punishing, when need is, the mutinous or negligent soldiers. But this love of soldiers, if caution be not given of the commander's fidelity, is a dangerous thing to sovereign power; especially when it is in the hands of an assembly not popular. It belongeth therefore to the safety of the people, both that they be good conductors and faithful subjects, to whom the sovereign commits his armies.

But when the sovereign himself is popular; that is, revered and beloved of his people, there is no danger at all from the popularity of a subject. For soldiers are never so generally unjust as to side with their captain, though they love him, against their sovereign, when they love not only his person, but also his cause. And therefore those who by violence have at any time suppressed the power of their lawful sovereign, before they could settle themselves in his place, have been always put to the trouble of contriving their titles to save the people from the shame of receiving them. To have a known right to sovereign power is so popular a quality as he that has it needs no more, for his own part, to turn the hearts of his subjects to him, but that they see him able absolutely to govern his own family: nor, on the part of his enemies, but a disbanding of their armies. For the greatest and most active part of mankind has never hitherto been well contented with the present.

Concerning the offices of one sovereign to another, which are comprehended in that law which is commonly called the law of nations, I need not say anything in this place, because the law of nations and the law of nature is the same thing. And every sovereign hath the same right in procuring the safety of his people, that any particular man can have in procuring the safety of his own body. And the same law that dictateth to men that have no civil government what they ought to do, and what to avoid in regard of one another, dictateth the same to Commonwealths; that is, to the consciences of sovereign princes and sovereign assemblies; there being no court of natural justice, but in the conscience only, where not man, but God reigneth; whose laws, such of them as oblige all mankind, in respect of God, as he is the Author of nature, are natural; and in respect of the same God, as he is King of kings, are laws. But of the kingdom of God, as King of kings, and as King also of a peculiar people, I shall speak in the rest of this discourse.

## CHAPTER XXXI

### OF THE KINGDOM OF GOD BY NATURE

THAT the condition of mere nature, that is to say, of absolute liberty, such as is theirs that neither are sovereigns nor subjects, is anarchy and the condition of war: that the precepts, by which men are guided to avoid that condition, are the laws of nature: that a Commonwealth without sovereign power is but a word without substance and cannot stand:

that subjects owe to sovereigns simple obedience in all things wherein their obedience is not repugnant to the laws of God, I have sufficiently proved in that which I have already written. There wants only, for the entire knowledge of civil duty, to know what are those laws of God. For without that, a man knows not, when he is commanded anything by the civil power, whether it be contrary to the law of God or not: and so, either by too much civil obedience offends the Divine Majesty, or, through fear of offending God, transgresses the commandments of the Commonwealth. To avoid both these rocks, it is necessary to know what are the laws divine. And seeing the knowledge of all law dependeth on the knowledge of the sovereign power, I shall say something in that which followeth of the KINGDOM OF GOD.

"God is King, let the earth rejoice," [Psalms, 97. 1] saith the psalmist. And again, "God is King though the nations be angry; and he that sitteth on the cherubim, though the earth be moved." [*Ibid.*, 99. 1] Whether men will or not, they must be subject always to the divine power. By denying the existence or providence of God, men may shake off their ease, but not their yoke. But to call this power of God, which extendeth itself not only to man, but also to beasts, and plants, and bodies inanimate, by the name of kingdom, is but a metaphorical use of the word. For he only is properly said to reign that governs his subjects by his word and by promise of rewards to those that obey it, by threatening them with punishment that obey it not. Subjects therefore in the kingdom of God are not bodies inanimate, nor creatures irrational; because they understand no precepts as his: nor atheists, nor they that believe not that God has any care of the actions of mankind; because they acknowledge no word for his, nor have hope of his rewards, or fear of his threatenings. They therefore that believe there is a God that governeth the world, and hath given precepts, and propounded rewards and punishments to mankind, are God's subjects; all the rest are to be understood as enemies.

To rule by words requires that such words be manifestly made known; for else they are no laws: for to the nature of laws belongeth a sufficient and clear promulgation, such as may take away the excuse of ignorance; which in the laws of men is but of one only kind, and that is, proclamation or promulgation by the voice of man. But God declareth his laws three ways; by the dictates of natural reason, by revelation, and by the voice of some man to whom, by the operation of miracles, he procureth credit with the rest. From hence there ariseth a triple word of God, rational, sensible, and prophetic; to which correspondeth a triple hearing: right reason, sense supernatural, and faith. As for sense supernatural, which consisteth in revelation or inspiration, there have not been any universal laws so given, because God speaketh not in that manner but to particular persons, and to diverse men diverse things.

From the difference between the other two kinds of God's word, rational and prophetic, there may be attributed to God a twofold kingdom, natural and prophetic: natural, wherein He governeth as many of mankind as acknowledge His providence, by the natural dictates of right reason; and prophetic, wherein having chosen out one peculiar nation, the Jews, for His subjects, He governed them, and none but them, not only by natural reason, but by positive laws, which He gave them by the mouths of His holy prophets. Of the natural kingdom of God I intend to speak in this chapter.

The right of nature whereby God reigneth over men, and punisheth those that break his laws, is to be derived, not from His creating them, as if He required obedience as of gratitude for His benefits, but from His irresistible power. I have formerly shown how the sovereign right ariseth from pact: to show how the same right may arise from nature requires no more but to show in what case it is never taken away. Seeing all men by nature had right to all things, they had right every one to reign over all the rest. But because this right could not be obtained by force, it concerned the safety of every one, laying by that right, to set up men, with sovereign authority, by common consent, to rule and defend them: whereas if there had been any man of power irresistible, there had been no reason why he should not by that power have ruled and defended both himself and them, according to his own discretion. To those therefore whose power is irresistible, the dominion of all men adhereth naturally by their excellence of power; and consequently it is from that power that the kingdom over men, and the right of afflicting men at his pleasure, belongeth naturally to God Almighty; not as Creator and gracious, but as omnipotent. And though punishment be due for sin only, because by that word is understood affliction for sin; yet the right of afflicting is not always derived from men's sin, but from God's power.

This question: why evil men often prosper; and good men suffer adversity, has been much disputed by the ancient, and is the same with this of ours: by what right God dispenseth the prosperities and adversities of this life; and is of that difficulty, as it hath shaken the faith, not only of the vulgar, but of philosophers and, which is more, of the saints, concerning the Divine Providence. "How good," saith David, "is the God of Israel to those that are upright in heart; and yet my feet were almost gone, my treadings had well-nigh slipped; for I was grieved at the wicked, when I saw the ungodly in such prosperity." [Psalms, 73. 1-3] And Job, how earnestly does he expostulate with God for the many afflictions he suffered, notwithstanding his righteousness? This question in the case of Job is decided by God Himself, not by arguments derived from Job's sin, but His own power. For whereas the friends of Job drew their arguments from his affliction to his sin, and he defended himself by the conscience of his innocence, God Himself taketh up the matter, and having justified the affliction by arguments drawn from His power, such as this, "Where wast thou when I laid the foundations of the earth," [Job, 38. 4] and the like, both approved Job's innocence and reprov'd the erroneous doctrine of his friends. Conformable to this doctrine is the sentence of our Saviour concerning the man that was born blind, in these words, "Neither hath this man sinned, nor his fathers; but that the works of God might be made manifest in him." And though it be said, "that death entered into the world by sin," (by which is meant that if Adam had never sinned, he had never died, that is, never suffered any separation of his soul from his body), it follows not thence that God could not justly have afflicted him, though he had not sinned, as well as He afflicteth other living creatures that cannot sin.

Having spoken of the right of God's sovereignty as grounded only on nature, we are to consider next what are the divine laws, or dictates of natural reason; which laws concern either the natural duties of one man to another, or the honour naturally due to our Divine Sovereign. The first are the same laws of nature, of which I have spoken already in the fourteenth and fifteenth Chapters of this treatise; namely, equity, justice, mercy, humility, and the rest of the moral virtues. It remaineth therefore that we consider what precepts are dictated to men by their natural reason only, without other word of God, touching the honour and worship of the Divine Majesty.

Honour consisteth in the inward thought and opinion of the power and goodness of another: and therefore to honour God is to think as highly of His power and goodness as is possible. And of that opinion, the external signs appearing in the words and actions of men are called worship; which is one part of that which the Latins understand by the word *cultus*: for *cultus* signifieth properly, and constantly, that labour which a man bestows on anything with a purpose to make benefit by it. Now those things whereof we make benefit are either subject to us, and the profit they yield followeth the labour we bestow upon them as a natural effect; or they are not subject to us, but answer our labour according to their own wills. In the first sense the labour bestowed on the earth is called culture; and the education of children, a culture of their minds. In the second sense, where men's wills are to be wrought to our purpose, not by force, but by complaisance, it signifieth as much as courting, that is, winning of favour by good offices; as by praises, by acknowledging their power, and by whatsoever is pleasing to them from whom we look for any benefit. And this is properly worship: in which sense *publicola* is understood for a worshipper of the people; and *cultus Dei*, for the worship of God.

From internal honour, consisting in the opinion of power and goodness, arise three passions; love, which hath reference to goodness; and hope, and fear, that relate to power: and three parts of external worship; praise, magnifying, and blessing: the subject of praise being goodness; the subject of magnifying and blessing being power, and the effect thereof felicity. Praise and magnifying are signified both by words and actions: by words, when we say a man is good or great; by actions, when we thank him for his bounty, and obey his power. The opinion of the happiness of another can only be expressed by words.

There be some signs of honour, both in attributes and actions, that be naturally so; as amongst attributes, good, just, liberal, and the like; and amongst actions, prayers, thanks, and obedience. Others are so by institution, or custom of men; and in some times and places are honourable; in others, dishonourable; in others, indifferent: such as are the gestures in salutation, prayer, and thanksgiving, in different times and places, differently used. The former is natural; the latter arbitrary worship.

And of arbitrary worship, there be two differences: for sometimes it is commanded, sometimes voluntary worship: commanded, when it is such as he requireth who is worshipped: free, when it is such as the worshipper thinks fit. When it is commanded, not the words or gesture, but the obedience is the worship. But when free, the worship consists in the opinion of the beholders: for if to them the words or actions by which we intend honour seem ridiculous, and tending to contumely; they are no worship, because no signs of honour; and no signs of honour, because a sign is not a sign to him that giveth it, but to him to whom it is made, that is, to the spectator.

Again there is a public and private worship. Public is the worship that a Commonwealth performeth, as one person. Private is that which a private person exhibiteth. Public, in respect of the whole Commonwealth, is free; but in respect of particular men it is not so. Private is in secret free; but in the sight of the multitude it is never without some restraint, either from the laws or from the opinion of men; which is contrary to the nature of liberty.

The end of worship amongst men is power. For where a man seeth another worshipped, he supposeth him powerful, and is the readier to obey him; which makes his power greater.



But God has no ends: the worship we do him proceeds from our duty and is directed according to our capacity by those rules of honour that reason dictateth to be done by the weak to the more potent men, in hope of benefit, for fear of damage, or in thankfulness for good already received from them.

That we may know what worship of God is taught us by the light of nature, I will begin with His attributes. Where, first, it is manifest, we ought to attribute to Him existence: for no man can have the will to honour that which he thinks not to have any being.

Secondly, that those philosophers who said the world, or the soul of the world, was God spake unworthily of Him, and denied His existence: for by God is understood the cause of the world; and to say the world is God is to say there is no cause of it, that is, no God.

Thirdly, to say the world was not created, but eternal, seeing that which is eternal has no cause, is to deny there is a God.

Fourthly, that they who, attributing, as they think, ease to God, take from Him the care of mankind, take from Him his honour: for it takes away men's love and fear of Him, which is the root of honour.

Fifthly, in those things that signify greatness and power, to say He is finite is not to honour Him: for it is not a sign of the will to honour God to attribute to Him less than we can; and finite is less than we can, because to finite it is easy to add more.

Therefore to attribute figure to Him is not honour; for all figure is finite:

Nor to say we conceive, and imagine, or have an idea of Him in our mind; for whatsoever we conceive is finite:

Nor to attribute to Him parts or totality; which are the attributes only of things finite:

Nor to say He is in this or that place; for whatsoever is in place is bounded and finite:

Nor that He is moved or resteth; for both these attributes ascribe to Him place:

Nor that there be more gods than one, because it implies them all finite; for there cannot be more than one infinite:

Nor to ascribe to Him (unless metaphorically, meaning not the passion, but the effect) passions that partake of grief; as repentance, anger, mercy: or of want; as appetite, hope, desire; or of any passive faculty: for passion is power limited by somewhat else.

And therefore when we ascribe to God a will, it is not to be understood, as that of man, for a rational appetite; but as the power by which He effecteth everything.

Likewise when we attribute to Him sight, and other acts of sense; as also knowledge and understanding; which in us is nothing else but a tumult of the mind, raised by external

things that press the organical parts of man's body: for there is no such thing in God, and, being things that depend on natural causes, cannot be attributed to Him.

He that will attribute to God nothing but what is warranted by natural reason must either use such negative attributes as infinite, eternal, incomprehensible; or superlatives, as most high, most great, and the like; or indefinite, as good, just, holy, creator; and in such sense as if He meant not to declare what He is (for that were to circumscribe Him within the limits of our fancy), but how much we admire Him, and how ready we would be to obey Him; which is a sign of humility, and of a will to honour Him as much as we can: for there is but one name to signify our conception of His nature, and that is I AM; and but one name of His relation to us, and that is God, in which is contained father, king, and lord.

Concerning the actions of divine worship, it is a most general precept of reason that they be signs of the intention to honour God; such as are, first, prayers: for not the carvers, when they made images, were thought to make them gods, but the people that prayed to them.

Secondly, thanksgiving; which differeth from prayer in divine worship no otherwise than that prayers precede, and thanks succeed, the benefit, the end both of the one and the other being to acknowledge God for author of all benefits as well past as future.

Thirdly, gifts; that is to say, sacrifices and oblations, if they be of the best, are signs of honour, for they are thanksgivings.

Fourthly, not to swear by any but God is naturally a sign of honour, for it is a confession that God only knoweth the heart and that no man's wit or strength can protect a man against God's vengeance on the perjured.

Fifthly, it is a part of rational worship to speak considerately of God, for it argues a fear of Him, and fear is a confession of His power. Hence followeth, that the name of God is not to be used rashly and to no purpose; for that is as much as in vain: and it is to no purpose unless it be by way of oath, and by order of the Commonwealth, to make judgements certain; or between Commonwealths, to avoid war. And that disputing of God's nature is contrary to His honour, for it is supposed that in this natural kingdom of God, there is no other way to know anything but by natural reason; that is, from the principles of natural science; which are so far from teaching us anything of God's nature, as they cannot teach us our own nature, nor the nature of the smallest creature living. And therefore, when men out of the principles of natural reason dispute of the attributes of God, they but dishonour Him: for in the attributes which we give to God, we are not to consider the signification of philosophical truth, but the signification of pious intention to do Him the greatest honour we are able. From the want of which consideration have proceeded the volumes of disputation about the nature of God that tend not to His honour, but to the honour of our own wits and learning; and are nothing else but inconsiderate and vain abuses of His sacred name.

Sixthly, in prayers, thanksgiving, offerings and sacrifices, it is a dictate of natural reason that they be every one in his kind the best and most significant of honour. As, for example, that prayers and thanksgiving be made in words and phrases not sudden, nor light, nor plebeian, but beautiful and well composed; for else we do not God as much honour as we

can. And therefore the heathens did absurdly to worship images for gods, but their doing it in verse, and with music, both of voice and instruments, was reasonable. Also that the beasts they offered in sacrifice, and the gifts they offered, and their actions in worshipping, were full of submission, and commemorative of benefits received, was according to reason, as proceeding from an intention to honour him.

Seventhly, reason directeth not only to worship God in secret, but also, and especially, in public, and in the sight of men: for without that, that which in honour is most acceptable, the procuring others to honour Him is lost.

Lastly, obedience to His laws (that is, in this case to the laws of nature) is the greatest worship of all. For as obedience is more acceptable to God than sacrifice; so also to set light by His commandments is the greatest of all contumelies. And these are the laws of that divine worship which natural reason dictateth to private men.

But seeing a Commonwealth is but one person, it ought also to exhibit to God but one worship; which then it doth when it commandeth it to be exhibited by private men, publicly. And this is public worship, the property whereof is to be uniform: for those actions that are done differently by different men cannot said to be a public worship. And therefore, where many sorts of worship be allowed, proceeding from the different religions of private men, it cannot be said there is any public worship, nor that the Commonwealth is of any religion at all.

And because words (and consequently the attributes of God) have their signification by agreement and constitution of men, those attributes are to be held significative of honour that men intend shall so be; and whatsoever may be done by the wills of particular men, where there is no law but reason, may be done by the will of the Commonwealth by laws civil. And because a Commonwealth hath no will, nor makes no laws but those that are made by the will of him or them that have the sovereign power, it followeth that those attributes which the sovereign ordaineth in the worship of God for signs of honour ought to be taken and used for such by private men in their public worship.

But because not all actions are signs by constitution, but some are naturally signs of honour, others of contumely, these latter, which are those that men are ashamed to do in the sight of them they reverence, cannot be made by human power a part of divine worship; nor the former, such as are decent, modest, humble behaviour, ever be separated from it. But whereas there be an infinite number of actions and gestures of an indifferent nature, such of them as the Commonwealth shall ordain to be publicly and universally in use, as signs of honour and part of God's worship, are to be taken and used for such by the subjects. And that which is said in the Scripture, "It is better to obey God than man," hath place in the kingdom of God by pact, and not by nature.

Having thus briefly spoken of the natural kingdom of God, and His natural laws, I will add only to this chapter a short declaration of His natural punishments. There is no action of man in this life that is not the beginning of so long a chain of consequences as no human providence is high enough to give a man a prospect to the end. And in this chain there are linked together both pleasing and displeasing events; in such manner as he that will do anything for his pleasure, must engage himself to suffer all the pains annexed to it; and

these pains are the natural punishments of those actions which are the beginning of more harm than good. And hereby it comes to pass that intemperance is naturally punished with diseases; rashness, with mischances; injustice, with the violence of enemies; pride, with ruin; cowardice, with oppression; negligent government of princes, with rebellion; and rebellion, with slaughter. For seeing punishments are consequent to the breach of laws, natural punishments must be naturally consequent to the breach of the laws of nature, and therefore follow them as their natural, not arbitrary, effects.

And thus far concerning the constitution, nature, and right of sovereigns, and concerning the duty of subjects, derived from the principles of natural reason. And now, considering how different this doctrine is from the practice of the greatest part of the world, especially of these western parts that have received their moral learning from Rome and Athens, and how much depth of moral philosophy is required in them that have the administration of the sovereign power, I am at the point of believing this my labour as useless as the Commonwealth of Plato: for he also is of opinion that it is impossible for the disorders of state, and change of governments by civil war, ever to be taken away till sovereigns be philosophers. But when I consider again that the science of natural justice is the only science necessary for sovereigns and their principal ministers, and that they need not be charged with the sciences mathematical, as by Plato they are, further than by good laws to encourage men to the study of them; and that neither Plato nor any other philosopher hitherto hath put into order, and sufficiently or probably proved all the theorems of moral doctrine, that men may learn thereby both how to govern and how to obey, I recover some hope that one time or other this writing of mine may fall into the hands of a sovereign who will consider it himself (for it is short, and I think clear) without the help of any interested or envious interpreter; and by the exercise of entire sovereignty, in protecting the public teaching of it, convert this truth of speculation into the utility of practice.